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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT MARC LEEDS,

Petitioner,

vs.

WARDEN BACA, *et al.*,

Respondents.

Case No. 3:15-cv-00261-LRH-VPC

ORDER

15
16 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a
17 Nevada state prisoner.

18 Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 4). Based on the
19 information regarding petitioner's financial status, the Court finds that the motion to proceed *in*
20 *forma pauperis* is granted.

21 Petitioner has filed a motion for the appointment of counsel. (ECF No. 5). Pursuant to 18
22 U.S.C. § 3006A(2)(B), the district court has discretion to appoint counsel when it determines that
23 the “interests of justice” require representation in a habeas corpus case. Petitioner has no
24 constitutional right to appointed counsel in a federal habeas corpus proceeding. *Pennsylvania v.*
25 *Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The
26 decision to appoint counsel is within the Court’s discretion. *Chaney v. Lewis*, 801 F.2d 1191, 1196
27 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th
28 Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of

1 the case are such that denial of counsel would amount to a denial of due process. *See Chaney*, 801
2 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

3 Petitioner has filed a petition and a first amended petition. (ECF Nos. 1-1 & 3). The federal
4 habeas petitions submitted in this action include many claims, the contents of which suggest that it
5 may be a relatively complex action. In the underlying state criminal case, petitioner was convicted
6 of first degree murder and was sentenced to imprisonment for life with the possibility of parole.
7 The Court grants petitioner's motion for the appointment of counsel.

8 Therefore, the Federal Public Defender for the District of Nevada (FPD) is appointed to
9 represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other
10 reason, then alternate counsel for petitioner shall be located, and the Court will enter a separate
11 order appointing such alternate counsel. In either case, counsel will represent petitioner in all future
12 federal proceedings relating to this matter (including subsequent actions) and appeals therefrom,
13 unless allowed to withdraw.

14 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF
15 No. 4) is **GRANTED**.

16 **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (ECF
17 No. 5) is **GRANTED**. The Federal Public Defender is appointed to represent petitioner.

18 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**
19 **SERVE** the Federal Public Defender for the District of Nevada (FPD) a copy of this order, together
20 with a copy of the original petition and first amended petition (ECF Nos. 1-1 & 3). The FPD shall
21 have **thirty (30) days** from the date of entry of this order to undertake direct representation of
22 petitioner or to indicate to the Court its inability to represent petitioner in these proceedings.

23 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL** add Attorney General Adam
24 Paul Laxalt to the CM/ECF docket sheet as counsel for respondents and serve respondents with a
25 copy of this order.

26 **IT IS FURTHER ORDERED** that respondents' counsel **SHALL ENTER** a notice of
27 appearance herein within **ten (10) days** of entry of this order.


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IT IS FURTHER ORDERED that the Clerk of Court **SHALL SEND** a copy of this order to the CJA Coordinator.

IT IS FURTHER ORDERED that, after counsel has appeared for petitioner in this case, the Court will issue a scheduling order, which will, among other things, set a deadline for the filing of a second amended petition.

DATED this 28th day of October, 2015.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE